THE HONOURABLE SRI JUSTICLE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P. NO.24721 of 2006

Dated: 26-12-2006

Between:-
Sajeeda Sultana,

...

PETITIONER.

And

The Station House Officer, I-Town Police Station,
Vijayawada and others.

...

RESPONDENTS

THE HONOURABLE SRI JUSTICLE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P. NO. 24721 of 2006

O R D E R (per Hon'ble Sri Justice D. Appa Rao)

This is a taken-up matter upon a 'Fax message' received on 23.11.2006, issued by Smt. Shaik Sajeeda Sultana alleging that her minor daughter Salma Sultana was kidnapped by Shaik Mahaboob Subhani with the assistance of the parents and others, in order to marry her. Though on a complaint I-Town Police Station, Vijayawada registered a case in Cr.No.634 of 2006, they did not arrest any of the accused. Instead, the police detained her daughter illegally and threatening her and her husband to withdraw the matter.

2) The 1st respondent filed counter *inter alia* denying various facts mentioned in the message. In fact on a report lodged by the husband of the petitioner Shaik Salam alleging that his daughter Salma Sultana was found missing, a case in Cr.No.567 of 2006 under the head of 'girl missing' was registered. The matter was investigated into. When Salma Sultana her daughter was examined, she stated that she fell in love with Shaik Mahaboob Subhani and that her parents were not willing for their marriage and on that both of them left to Kakani village and were residing separately and gave her date of birth as 25.12.1990, the investigating officer altered the Section of Law to one under Section 366-A IPC and took up investigation. He arrested Shaik Mahaboob Subhani on 13.11.2006 and sent him into judicial

custody. Later he was released on bail by the Sessions Judge, Mahila Court, Vijayawada on 30.11.2006. During the course of investigation a requisition was given to the learned I-Additional Chief Metropolitan Magistrate, Vijayawada to record her statement under Section 164 Cr.P.C. Since the victim girl has refused to go to her parents' house out of fear that her stepmother might harass her and on that the Court ordered the victim girl to be kept with the Project Director, Woman and Child Welfare Department, Vijayawada till she attained majority. The investigating officer assured that he would complete investigation expeditiously. The apprehension of the petitioner that they were harassing has no basis.

3) Since the alleged detenu is in lawful custody of the Project Director, Woman and Child Welfare Department, Vijayawada, pursuant to the orders of a court, we do not subscribe to the view that the detenu is in illegal custody of the police.

4) In the circumstances, the Writ Petition is dismissed. No costs.

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J.

CHELAMESWAR,J

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D. APPA

RAO,J

_____December 2006.

BCS